

March 30, 1979

LB 331

am I correct?

SENATOR MURPHY: That is correct and that is the present provision under county commissioner form of government.

SENATOR NEWELL: And that is also the way you are doing it for supervisor forms also?

SENATOR MURPHY: And that is to that degree, that would be a change in county supervisor form along with in taking out the county judge as a member of that panel to get the judiciary out of the executive branch of county government. I recommend to the body that we do this and make it consistent. If we have appointive panel for county government, it should be the same regardless of which form of county government we are talking about.

SENATOR NEWELL: Okay, you also allow for when they choose a five member, when a county opts by an election to choose five members of the county board, that they can be either at large or by district.

SENATOR MURPHY: If the county is by district, it will remain by district and the county commissioners will have to redetermine the districts and Senator Chambers amendment, I think, particularly after a federal census will mandate that be done in six months. Right now it simply says the commissioners will do it at their next meeting. That has not been changed but I have provided that if the county is at large it can remain at large because the interpretation of the law as it is written, it says if you change from three to five commissioners and it makes no reference to at large, it says you shall immediately redistrict. Well, those counties at large do not wish to be redistricted, it is simply because they want to go from three to five commissioners.

SENATOR NEWELL: Were there some counties like that? Was there a situation like that?

SENATOR MURPHY: I have it at home.

SENATOR NEWELL: It was in Dakota County then?

SENATOR MURPHY: Well, it started, I think if you check the statute and the case law cited, Sarpy County has been to court extensively on this selfsame problem. Scottsbluff has been to court on this selfsame problem. Dakota County has been to court once over this issue since November and are currently in court again still trying to resolve it, because without the clarification of this language, there